

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA	:	
	:	
v.	:	EP-23-CR-604-DB
	:	
MARK MATYI	:	

MOTION TO WITHDRAW AS COUNSEL OF RECORD
AND FOR SUBSTITUTE COUNSEL

Comes now, Sergio Garcia, Assistant Federal Public Defender, and files this Motion to Withdraw as Counsel of Record and for reason therefore would show as follows:

I.

On or about July 31, 2023, undersigned counsel was appointed to represent Defendant, Mark Matyi, in the above styled cause. After undersigned counsel secured bond for Defendant, Defendant resided at Dismas Charities. Undersigned counsel and Defendant discussed the case on various occasions. Communication between undersigned counsel and Defendant, however, deteriorated. And, unfortunately, Defendant absconded from Dismas Charities. On or about March 20, 2024, Defendant was re-arrested.

On or about April 10, 2024, at Defendant's bond revocation hearing, Defendant informed undersigned counsel and his investigator that he had **no** confidence in undersigned counsel and demanded **new** counsel. Defendant has very strong opinions about how his case should be handled and requested **new** counsel.

Due to Defendant's lack of trust in undersigned counsel, a viable attorney-client relationship *does not* exist. There is *no* effective communication and, consequently, undersigned counsel *cannot* provide effective assistance.

WHEREFORE, after careful consideration, undersigned counsel requests the Court to allow him to withdraw as attorney of record for Defendant and appoint **new** counsel to represent Defendant.

Respectfully Submitted,

Maureen Scott Franco
Federal Public Defender

/S/

SERGIO GARCIA
Assistant Federal Public Defender
Western District of Texas
Richard C. White Federal Building
700 E. San Antonio, D-401
El Paso, Texas 79901
(915) 534-6525
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of April, 2024 I electronically filed the foregoing with the Clerk of Courts using the CM/ECF system which will send notification of such filing to the following: AUSA, Shane Wagman, Office of the U.S. Attorney, Richard C. White Building, 700 E. San Antonio, Suite 200, El Paso, TX 79901.

/S/

SERGIO GARCIA

Attorney for Defendant

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ORDER OF WITHDRAWAL OF COUNSEL

On this day, the Court considered the Motion to Withdraw of appointed counsel, Sergio Garcia, Assistant Federal Public Defender, requesting leave to withdraw as attorney of record for the Defendant in the above case. The Court is of the opinion that the Motion should be granted.

Accordingly, **IT IS HEREBY ORDERED** that the office of the Federal Public Defender is hereby granted leave to withdraw as attorney of record for the Defendant in the above styled cause.

IT IS FURTHER ORDERED that _____, a licensed attorney, is hereby appointed pursuant to the Criminal Justice Act as substitute counsel for the Defendant, until further order of this Court.

SIGNED this _____ day of _____, 2024.

DAVID BRIONES
UNITED STATES FEDERAL JUDGE